



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,112	03/21/2001	Petter Ericson	3782-0124P	8117
2292	7590	12/16/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			DISTEFANO, GREGORY A	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2175	
			MAIL DATE	DELIVERY MODE
			12/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* PETTER ERICSON  
and  
TOMAS LUNDSTROM

---

Appeal No. 2008-001924  
Application No. 09/813,112  
Technology Center 2100

---

Mailed: December 16, 2009

---

Before DALE M. SHAW, *Division 2 Support Administrator.*

**ORDER REMANDING TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on February 12, 2008. A docketing notice assigning Appeal Number 2008-001924 was mailed on February 28, 2008.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on January 24, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1)

and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 5, August 2006).

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated February 27, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicants if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

- 1) to consider the Reply Brief filed January 24, 2007, as indicated above;
- 2) to consider the IDS filed February 27, 2008; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS:psb

Appeal No. 2008-001924  
Application No. 09/813,112

Birch Stewart Kolasch & Birch  
P.O. Box 747  
Falls Church, CA 22040-0747